



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

BCAFN 17th ANNUAL GENERAL MEETING

November 17 & 18, 2020

Online via Zoom

Resolution 10/2020

SUBJECT: ALIGNING THE SCHOOL ACT WITH THE UN DECLARATION AND CONTESTING
THE ASSIGNMENT OF PERSONAL EDUCATION NUMBERS TO CHILDREN IN
BC FROM BIRTH

MOVED BY: CHIEF ANDREW VICTOR, CHEAM

SECONDED BY: CHRIS LEWIS, PROXY, SQUAMISH NATION

DECISION: ABSTENTION: ADEANA YOUNG, PROXY, OLD MASSETT VILLAGE COUNCIL
CARRIED

WHEREAS:

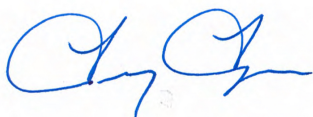
- A. On February 26, 2020, the Ministry of Education introduced the Education Statutes Amendment Act that would enable the Minister to advance the assignment of Personal Education Numbers (PEN) to BC children from the time they are born. The legislation also includes a proposed amendment to the School Act (BC) authorizing the Minister to “assign a personal education number to any child who is resident in British Columbia,” thereby greatly expanding the Minister’s authority to assign PEN numbers to BC children;
- B. The PEN is a nine-digit identifier that currently allows the Ministry to trace individual student outcomes from pre-school to post-secondary, and is assigned to each student enrolled or registered with a BC early learning (Strong Start) program; public or independent school; BC certified offshore school; Yukon school; or, public post-secondary institution;

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- C. BC First Nations were not adequately consulted regarding the assignment of PEN numbers from birth, which has the potential to negatively impact First Nations learners, despite the Province having passed the Declaration on the Rights of Indigenous Peoples Act in November 2019 mandating the provincial government to take all measures to meet the objectives of, and align provincial laws with, the United Nations Declaration on the Rights of Indigenous Peoples;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
 - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;
- E. Materials provided to the First Nations Education Steering Committee (FNESC) by the Ministry of Education state that the BC Ministers' Working Group on Child Care asked the Ministry to "explore" assigning a unique identifier (i.e. PEN) to every child born in BC, and that the request was made on the basis of a Working Group report noting that there was limited information about the impact of childcare and early years programs;
- F. According to the Ministry, assigning PENs at birth will allow both parents and the broader education system to track a child's progress through early childcare programs so they can be better supported upon entering kindergarten. The Ministry also purports that linking PENs to the BC Services Card will streamline the school registration process by eliminating the need for birth certificates or other documents used for identification purpose;
- G. On two occasions in December 2019, Ministry officials presented the PEN project as being in early exploratory stages and a "long ways away from implementation," implying there would be sufficient time to examine and consider the implications of the proposed project

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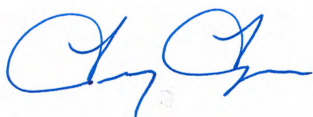
with First Nations leadership. As such, the introduction of legislation on February 26th was abrupt and unexpected;

- H. FNEESC communicated a number of concerns to Ministry officials at a bilateral meeting on December 6, 2019; an Indigenous Early Years Advisory Group meeting on December 9, 2019; on February 26, 2020, upon hearing that legislation was to be introduced later that day; and again on March 2, 2020 at a meeting including the BC Minister of Education, the federal Minister of Indigenous Services, and representatives from the First Nations Leadership Council (FNLC). These concerns include that:
- i. The use of childcare data could lead to further streaming of First Nations students in the public education system;
 - ii. It was unclear how the initiative could impact students attending First Nations schools;
 - iii. It was unclear if or how the childcare data could be used in combination with other data sources, including information from the Ministry of Children and Family Development; and
 - iv. First Nations and First Nations leadership needed to be adequately consulted given the wide implications for First Nations learners and First Nations communities; and
- I. There is the need for the government to close the gap in Aboriginal student outcomes in a way that promotes self-determination and self-governance, and to work with FNEESC to increase Aboriginal participation and completion in post-secondary education.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly fully support the First Nations Education Steering Committee's (FNEESC) opposition to the unexpected and abrupt amendments to the School Act, as well as the Ministry of Education's failure to adequately consult BC First Nations and address concerns about how the assignment of Personal Education Numbers (PENs) to any child that is a BC resident, including from birth, may negatively impact Indigenous learners;
2. The BCAFN Chiefs-in-Assembly call on the Minister of Education to:
 - i. refrain from exercising the new authority under the amended School Act regarding the assignment of Personal Education Numbers (PENs) to any child resident in BC; and
 - ii. engage in meaningful consultation and collaboration with First Nations and the First Nations Education Steering Committee (FNEESC) to:

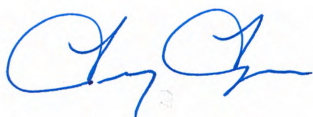
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- a. identify the implications of assigning PENs to any child resident in BC, including from birth; and
 - b. make recommendations on how to align the School Act and related policy regarding PENs with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), as required by the Declaration on the Rights of Indigenous Peoples Act;
3. FNEESC will regularly report back to the BCACFN Chiefs-in-Assembly on its discussions and work with the Ministry of Education to address concerns and issues related to the assignment of PENs to children in BC.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

Terry Teegee, BC Regional Chief